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Hearing Date: **November 4, 2020,**
at 11:00 am in Courtroom 4,
United States Bankruptcy Court,
900 Market Street, Philadelphia,
PA 19107

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	Chapter 13 Proceeding
Kyle Newmuis	
	20-11113 AMC
Debtor(s)	

**MOTION OF CITIZENS BANK, N.A. F/K/A RBS CITIZENS, N.A. FOR RELIEF OF
FROM THE AUTOMATIC STAY**

AND NOW, comes secured Creditor, Citizens Bank, N.A. f/k/a RBS Citizens, N.A.
(Movant) by and through its counsel, Mary F. Kennedy, and files this Motion to obtain an order
for Relief from the Automatic Stay due to lack of equity in debtor(s) property and debtor(s)
failure to provide Movant with adequate protection of its interest in the property which is the
basis of the creditor's security.

1. On or about February 24, 2020, Debtor(s) filed a Chapter 13 Bankruptcy Petition.
2. On June 6, 2013, the debtor executed a Note to RBS Citizens, N.A. in the amount of \$240,463.00. Said Note was secured by a Mortgage that gave Mortgage Electronic Registration Sysyems, Inc as nominee for RBS Citizens, N.A. a security interest in the property located at 2067 E. Sergeant St., Philadelphia, PA 19125, referred to as the "property." Said Mortgage was recorded in the Philadelphia County Recorder of Deeds Office on June 14, 2013 at instrument no. 52653938. The Mortgage was assigned to Movant via an Assignment of Mortgage recorded in the Philadelphia County Recorder of Deeds Office on February 29, 2016 at instrument no. 53028439. (See Exhibit "A" attached), .

3. The debtor is presently in arrears post-petition for three (3) months, August 1, 2020 to October 1, 2020. The total arrears including \$1,231.00 for attorney fees and costs is \$5,946.79.
4. Movant wishes to have the automatic stay terminated to permit Movant to complete foreclosure on its mortgage.
5. Pursuant to 11 U.S.C.A. section 362 (d) (1), cause exists to granted Movant relief from the stay.

WHEREFORE, Movant respectfully requests this Honorable Court ORDER:

That Relief from the Automatic Stay be granted to Citizens Bank, N.A. f/k/a RBS Citizens, N.A. to proceed with foreclosure action to obtain all other Relief available under Non-Bankruptcy Law. That the relief granted by the Court will survive the conversion of this bankruptcy case to a case under any other Chapter of the Bankruptcy Code. And that bankruptcy Rule 4001(a)(3) is not applicable, and Movant is allowed to immediately proceed with foreclosure and all other relief available under the Non-Bankruptcy law. Furthermore, Movant respectfully requests that reasonable attorney fees and costs associated with this Motion be awarded to Movant

RESPECTFULLY SUBMITTED,

/s/ MARY F. KENNEDY, ESQ.

Dated: October 9, 2020